IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINETEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.12790 of 2004

Between:

1 Merugu Dharma Rao,

S/o Samuel, aged 46 years,

Sarpanch, Alluru Grampanchayat,

Pittalavaripalem Mandal,

Guntur District.
2 Bolagani Venkata Sulochana,

W/o Narayana, aged 34 years,

Sarpanch,
Pittalavanipalem Grampanchayat and Mandal,

Guntur District.
3 P.Sivaragamma,

W/o Sreenivasa Rao, aged 35 years,

Sarpanch,
Mantinavaripalem, Pittalavanipalem Mandal,

Guntur District.
4 Dabbakuti Koteswaramma,

W/o Koteswara Rao,

Gokarajunalliboyinavaripalem,

Pittalavanipalem Mandal,
Guntur District.

..... PETITIONERS

AND

1 The Chief Engineer, Irrigation, Government of Andhra

Pradesh, Hyderabad.
2 The Superintendent Engineer, Irrigation Department, Tenali,
Guntur District.
3 The Deputy Executive Engineer, Irrigation Department

Duggirala, Guntur District.
4 The District Collector, Guntur.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ of mandamus or any other appropriate writ or direction declaring the action of the respondents in not taking any action on the representation dated 18-6-2004 submitted by the petitioners as illegal and arbitrary and consequently direct the respondents to forthwith close the illegal channel to the Nizampatnam canal.

Counsel for the Petitioner : Mr.O.MANOHER REDDY

Counsel for the Respondents : G.P. FOR IRRIGATION & COMM AREA DEV.

The Court at the stage of admission made the following:

ORDER: (Per Hon’ble the Chief Justice)

Petitioners, who are Sarpanches of various Gram Panchayats located within the

Guntur district, have filed this petition as public interest litigation against the alleged inaction on the part of respondents in taking any steps against those alleged to be illegally drawing water from the Nizampatnam canal and to close the unauthorised breaches alleged to have been made to the main canal. Petitioners are alleged to have submitted a representation on 18-06-2004 addressed to the Chief Minister and others, besides representing to respondents from time to time.

Learned Government Pleader for Irrigation appearing for respondents states that similar writ petition in W.P.No.12851 of 2004 was disposed of with direction to the Superintending Engineer concerned to look into the grievance of petitioners therein and pass appropriate orders thereupon.

Reply affidavit has not been filed despite opportunity. In the above circumstances, we are inclined to issue similar direction to the second respondent to consider the grievance as has been made by petitioners in the instant writ petition and take appropriate steps whatever are required to be taken thereon in accordance with law. In case remedial measures have to be taken besides preventive measures, the second respondent will ensure that the same are duly taken as expeditiously as possible and in any case not later than two months from the date of receipt of writ order from the Court.

The writ petition is accordingly disposed of.

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DEVINDER GUPTA, C.J.

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C.V.RAMULU, J

19-08-2004

bsc

To

1 The Chief Engineer, Irrigation, Government of Andhra

Pradesh, Hyderabad.

2 The Superintendent Engineer, Irrigation Department, Tenali, Guntur District.

3 The Deputy Executive Engineer, Irrigation Department

Duggirala, Guntur District.

4 The District Collector, Guntur.

5. 2 CCs to Govt. Pleader for Irrigation, High Court buildings,

Hyderabad (OUT)

6. 2CD copies